

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CR08-185-JLR
	)	
v.	)	<b>PROPOSED FINDINGS OF FACT</b>
	)	<b>AND DETERMINATION AS TO</b>
VINH NGOE HUYNH,	)	<b>ALLEGED VIOLATIONS OF</b>
	)	<b>SUPERVISED RELEASE</b>
Defendant.	)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on October 7, 2010. The defendant appeared pursuant to warrant issued in this case. The United States was represented by Kathryn Warma and defendant was represented by Ali Nakkour. Also present was U.S. Probation Officer Jonathan Ishii. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on January 27, 2004 by the Honorable Jeremy Fogel of the Northern District of California for unlawful possession of a firearm by a prohibited person. He received 51 months of prison and 3 years of supervised release. Defendant's case transferred to this District on May 29, 2008. On September 19, 2008 supervision was revoked because defendant had failed to report, used cocaine and failed to participate in treatment. Defendant

1 received six months of jail and 30 months of supervision.

2 PRESENTLY ALLEGED VIOLATIONS

3 In a petition dated September 14, 2010, U.S. Probation Officer Jonathan Ishii alleged that  
4 defendant violated the following conditions of supervised release:

5 1. Failing to notify the probation officer at least 10 days prior to any change in  
6 residence or employment.

7 2. Failing to report to the probation office on June 1, 2009.

8 3. Committing the crime of failing to register a change of address with the King  
9 County Sheriff's Office.

10 4. Failing to submit a truthful and complete written report within the first five days of  
11 each month for the months of March through August 2009.

12 5. Failing to participate in the drug and alcohol testing program by refusing to  
13 participate in testing since March 27, 2009.

14 FINDINGS FOLLOWING EVIDENTIARY HEARING

15 Defendant admitted violation 1-3 , waived any hearing as to whether they occurred, and was  
16 informed the matter would be set for a disposition hearing at a time to be determined before  
17 District Judge James L. Robart. Upon defendant's admission to the first three violations, the  
18 Government withdrew violations 4 and 5. Defendant remains in custody.

19 RECOMMENDED FINDINGS AND CONCLUSIONS

20 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 7<sup>th</sup> day of October, 2010.

3  
4 s/ BRIAN A. TSUCHIDA  
United States Magistrate Judge